

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LORENZO CARL PAYNES,

Plaintiff,

No. CIV S-04-1868 MCE KJM P

vs.

D.L. RUNNELS, et al.,

Defendants.

ORDER

Plaintiff has requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required exceptional circumstances. Plaintiff's request for the appointment of counsel will therefore be denied.

Plaintiff has also requested an extension of the discovery cut-off date because he has been placed in administrative segregation and thus deprived of the necessary materials with which to pursue discovery.

1 The discovery cut-off date is February 27, 2009. Plaintiff does not suggest how
2 long he will be in segregation and how long he will be deprived of materials. He has not shown
3 good cause to extend the cut-off date.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's request for the appointment of counsel (docket no. 59) is denied;
6 and
7 2. Plaintiff's request for an extension of the discovery cut-off date (docket no.
8 58) is denied without prejudice.

9 DATED: January 16, 2009.

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11 U.S. MAGISTRATE JUDGE

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